

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Submission
WT Docket No. 02-55
ET Docket No. 00-258
ET Docket No. 95-18

Dear Ms. Dortch:

This letter is written on behalf of Entravision Holdings, LLC ("Entravision"), which is the licensee of Station KNVO(TV), McAllen, Texas. Entravision has participated in the above-referenced rulemaking proceedings, having submitted Comments in Support of Petition for Clarification, dated March 29, 2007, and Comments in Support of Reply to Opposition filed by Fox Television Stations, Inc. and Gray Television Licensee, Inc., dated April 6, 2007.

Entravision's involvement in these proceedings relates to the Commission-authorized 2 GHz BAS band plan that Sprint Nextel Corporation ("Sprint"), the principal beneficiary of this plan, is currently undertaking. As a broadcast licensee participant in that plan, Entravision has requested that the Commission clarify the obligations of Sprint under the plan to broadcast licensees that operate short-term BAS facilities under the terms of Section 74.24 of the Commission's Rules. Entravision, as well as other similarly situated parties, have sought reimbursement for the relocation of such Section 74.24 BAS facilities; Sprint claims that it would violate Commission policy, require the unanticipated expenditure of funds, and disrupt the band plan, and consequently, has refused to provide such reimbursement.

On May 18, 2007, the Commission issued its decision in *Improving Public Safety Communications in the 800 MHz Band*, FCC 07-92, released May 18, 2007 ("*Improving Communications*"). In that decision, the Commission clarified Sprint's reimbursement obligations to parties engaged in the rebanding of 800 MHz licensees. While the spectrum may be different, Entravision submits that 800 MHz and 2 GHz relocations are generally similar in nature as they involve the relocation of affected Licensees' systems with such licensees receiving replacement equipment provided by Sprint.

The 800 MHz clarification request that the Commission acted upon is similar in nature to one sought by Entravision and its fellow licensees. The 2 GHz BAS licensees' request arises

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from a similar decision by Sprint to interpret narrowly its obligations in order to limit Sprint's obligations to the affected licensees operating in compliance with Section 74.24 of the Commission's Rules. Having failed, after informal discussions with Sprint, to reach a resolution of the matter with Sprint, Entravision and others similarly situated had no choice but to bring the matter to the Commission's attention.

Entravision takes note that in the *Improving Communications* decision, the Commission provided that Sprint's obligation is to take "into account the overall goals of this proceeding, not just the issue of minimum cost." *Id.* at ¶ 8. In that regard, the Commission went on to reason that the goals it set for the rebanding process are to complete it on a timely and efficient basis and to "minimize the burden rebanding imposes on public safety licensees." *Id.* As a result, cost alone was not the paramount consideration. *See also, Public Safety and Homeland Security Bureau Provides Guidance for Public Safety Licensees with Regard to License Application and Special Temporary Authorization Procedure and Payment of Frequency Relocation Costs for Public Safety Facilities Added During 800 MHz Band Reconfiguration*, 21 FCC Rcd 14658 (2006).

The *Improving Communications* decision makes evident that Sprint should not, in the Section 74.24 BAS area, make the costs it faces the sole determinative factor of whether it will assist Section 74.24 BAS users in their relocation process. This is especially so as the Section 74.24 BAS facilities are generally used by licensees for newsgathering and reporting purposes, including reporting on events of public safety concern, such as storms, fires, floods, accidents, etc. The continuation of such reporting should be encouraged, not discouraged by forcing licensees to expend their limited funds to install new BAS systems.

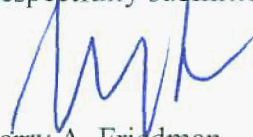
Accordingly, Sprint should be instructed that the policy of paying relocation expenses where it would expedite the rebanding process and result in licensees not having to pay their own relocation expenses should apply to pre-November 22, 2004 Section 74.24 BAS incumbents, such as Entravision. In the words of the Joint Statement of the Chairman and his fellow Commissioners, Sprint should "keep their eyes on [the] prize even as they work through the details of this complex process." *Id.* The prize here is the relocation of the pre-November 22, 2004 incumbents, including the Section 74.23 BAS users, to equivalent facilities on an expeditious basis with such incumbents not incurring any unreimbursed expenses in connection with lawful operations under the Commission's Rules.

In accordance with Section 1.1206 of the Commission's Rules, 47 CFR 1.1206, one copy of this *ex parte* filing is being submitted electronically with the Commission. If you should have

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any questions in regard hereto, please communicate with **the** undersigned.

Respectfully submitted,



Barry A. Friedman

cc: Hon. Kevin J. Martin
Hon. Michael Copps
Hon. Jonathan S. Adelstein
Hon. Deborah Taylor Tate
Hon. Robert S. McDowell
Ms. Michelle Carey
Mr. David Furth